

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of **Donetta E. Griffin**) **FINAL ORDER**
) Case No. INS 12-04-001

History of the Proceeding

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Donetta E. Griffin (Griffin).

On 4/5/12, the director issued a notice of proposed action informing the party that the director proposed to take enforcement action against the party, the party was entitled to a hearing pursuant to ORS 183.415, and if the party wanted a hearing then the party had to send to the director a written request for a hearing so that the director received it by 4/26/12. The notice also informed the party that if a hearing was not conducted then the designated portion of the Insurance Division's file and all materials submitted by the party in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

The director did not receive from the party a request for a hearing and did not conduct a hearing.

The director finds that the record of this proceeding proves a *prima facie* case.

The director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Griffin has been licensed in Oregon as a nonresident individual insurance producer from 6/6/05 to 6/30/07 and since 1/7/10. Griffin's license is scheduled to expire on 7/31/12. Griffin's license number from 6/6/05 to 6/30/07 was 686721. Griffin's current license number is 220510. Griffin's NAIC national producer number is 3130721. Griffin's last recorded residence and business address is 4699

Roush Avenue, Orlando, FL 32803-4436; residence telephone number is 407-808-6749; business telephone number is 407-926-2411; and business email address is vhil@connexions.com. However, the director has reason to believe, as indicated below, that Griffin is no longer residing or working at this address.

Failed to Report Criminal Action

Griffin is subject to enforcement action pursuant to ORS 744.089(2) because of the following circumstances. ORS 744.089(2) requires a person who is licensed in Oregon as an insurance producer to notify the director of any criminal prosecution of the person; and provide a copy of the initial complaint, order resulting from the hearing and any other relevant legal documents, within 30 days after the pretrial hearing. On 6/27/06, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County [Florida], in the criminal case *State of Florida vs. Donetta Ellis Griffin*, case number 48-2006-CF-009105000-A-O-X, an information was filed charging Griffin with committing one count of the crime of grand theft in the third degree, a felony, pursuant to Florida Statutes §812.014(2)(c)(1). On 7/24/06, Griffin pled not guilty to the crime of grand theft. On 8/8/06, Griffin was arraigned. On 11/7/06, Griffin withdrew her plea of not guilty of committing the crime of grand theft, and instead pled guilty to committing the lesser crime of petit theft in the first degree, a misdemeanor, pursuant to Florida Statutes §812.014(2)(e). On the same date, 11/7/06, Griffin was convicted of committing the crime of petit theft. Griffin was required to notify the Insurance Division of the criminal action, and provide a copy of the specified documents, no later than by 9/7/06. Griffin has not notified the director of the action or provided a copy of the specified documents.

Convicted of Crime

Griffin is subject to enforcement action pursuant to ORS 744.074(1)(f) because of the following circumstances. ORS 744.074(1)(f) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person was convicted of a misdemeanor involving dishonesty or breach of trust, a felony, or an offense punishable by death or imprisonment under the laws of the United States.

On 11/7/06, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County [Florida], in the criminal case *State of Florida vs. Donetta Ellis Griffin*, case number 48-2006-CF-009105000-A-O-X, Griffin was convicted, based on a plea of guilty, of committing one count of the crime of petit theft in the first degree, a misdemeanor, pursuant to Florida Statutes §812.014(2)(e).

On 11/16/09, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County [Florida], in the criminal case *State of Florida vs. Donetta Ellis Griffin*, case number 48-2009-CF-004356000-A-O-X, Griffin was convicted, based on a plea of *nolo contendere*, of committing one count of the crime of grand theft in the second degree, a felony, pursuant to Florida Statutes §812.014(2)(b)(1).

Convicted of Felony Involving Dishonesty or Breach of Trust

Griffin is subject to enforcement action pursuant to ORS 731.428(4) because of the following circumstances. ORS 731.428(4) requires the director to revoke, suspend, or refuse to renew, the Oregon insurance producer license issued to a person who was convicted of, among other things, a felony involving dishonesty or a breach of trust. Oregon Administrative Rules (OAR) 836-071-0321(1) defines a felony involving dishonesty as “includ[ing] but not limited to any offense constituting or involving theft, burglary, perjury, bribery, forgery, counterfeiting, a false or misleading oral or written statement, deception, fraud, a scheme or artifice to deceive or defraud, a material misrepresentation or the failure to disclose material facts.” On 11/16/09, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County [Florida], in the criminal case *State of Florida vs. Donetta Ellis Griffin*, case number 48-2009-CF-004356000-A-O-X, Griffin was convicted, based on a plea of *nolo contendere*, of committing one count of the crime of grand theft in the second degree, a felony, pursuant to Florida Statutes §812.014(2)(b)(1).

Provided Incorrect, Misleading, Incomplete or Materially Untrue Information on Insurance License Application

Griffin is subject to enforcement action pursuant to ORS 744.074(1)(a) because of the following circumstances. ORS 744.074(1)(a) permits the director to take any authorized enforcement action against a person who has applied for a license or is

licensed in Oregon as an insurance producer if the person provided to the director incorrect, misleading, incomplete or materially untrue information on an Oregon insurance producer license application. On 12/17/09, the director received from Griffin an Oregon nonresident insurance producer license application dated 7/23/09. On the application, Griffin answered “No” to question 1 which asked “Have you ever been convicted of a crime, ...?” Griffin’s answer was false because, by the time the director received the application on 12/17/09, Griffin had been convicted on 11/7/06 of committing the crime of petit theft and had been convicted on 11/16/09 of committing the crime of grand theft, both described above.

Administrative Action by Other State Insurance Regulator

Griffin is subject to enforcement action pursuant to ORS 744.074(1)(i) because of the following circumstances. ORS 744.074(1)(i) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if another state insurance regulator canceled, revoked, suspended, or refused to renew, the person’s license in that state as an insurance producer, adjuster or consultant. On 2/24/11, the insurance regulator for the State of Florida, in case number 114424-11-AG, issued an order summarily revoking Griffin’s Florida resident individual insurance producer license. The insurance regulator took the action because on 11/16/09, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County [Florida], in the criminal case *State of Florida vs. Donetta Ellis Griffin*, case number 48-2009-CF-004356000-A-O-X, Griffin was convicted, based on a plea of *nolo contendere*, of committing one count of the crime of grand theft in the second degree, a felony, pursuant to Florida Statutes §812.014(2)(b)(1). Griffin was entitled to request a hearing. The insurance regulator did not receive from Griffin a request for a hearing.

Failed to Report Administrative Action by Other State Agency

Griffin is subject to enforcement action pursuant to ORS 744.089(1) because of the following circumstances. ORS 744.089(1) requires a person who is licensed in Oregon as an insurance producer to notify the director of any administrative action

taken against the person by another state insurance regulator and provide a copy of the order within 30 days of the final disposition of the action. On 2/24/11, the insurance regulator for the State of Florida, in case number 114424-11-AG, revoked Griffin's Florida resident individual insurance producer license. The action was finally disposed of on 3/28/11 pursuant to Florida Statutes §120.68(2)(a) and the Florida Rules of Appellate Procedure, Rule 9.110. Griffin was required to notify the director of the action and provide a copy of the order by 4/27/11. Griffin has not notified the director of the action or provided a copy of the order.

Failed to Respond to Director's Inquiry

Griffin is subject to enforcement action pursuant to ORS 731.296 because of the following circumstances. ORS 731.296 requires a person who is licensed in Oregon in any capacity under the Insurance Code to promptly and truthfully respond to an inquiry from the director. On 1/19/12, the director mailed by certified mail an initial letter dated 1/19/12 to Griffin at her last recorded residence address of 4699 Roush Avenue, Orlando, FL 32803-4436. The letter requested Griffin to provide certain information to the director by 2/9/12. On 2/8/12, the director received undelivered the initial letter. Griffin did not respond to the initial letter. On 2/14/12, the director mailed by certified mail a follow up letter to Griffin at the alternative addresses of 2830 Oakville Place, Oviedo, FL 32766-3422 and 10064 Savannah Bluff Lane, Orlando, FL 32829-8231. The follow up letter enclosed a copy of the initial letter dated 1/19/12 and requested Griffin to provide the information initially requested by 3/6/12. On 2/27/12, the director received undelivered the follow up letter addressed to 2830 Oakville Place, Oviedo, FL 32766-3422. On 3/19/12, the director received undelivered the follow up letter addressed to 10064 Savannah Bluff Lane, Orlando, FL 32829-8231. Griffin did not respond to the follow up letter.

Order

Pursuant to ORS 744.074(1), Griffin's Oregon nonresident individual insurance producer license is revoked on the date of this order.

Notice of Right to Judicial Review

A party has the right to judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date the party received the order. If a party files a petition, the party is requested to also send a copy of the petition to the Insurance Division by delivering it to the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; or mailing it to PO Box 14480, Salem, OR 97309-0405; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated May 7, 2012

/s/ Louis Savage
Louis Savage
Acting Administrator
Insurance Division
Department of Consumer and Business Services

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